



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.05.2018

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. (MD) No.10475 of 2018

WEB COPY

Prakash

: Petitioner

Vs.

The Sub Collector,
Palani, Dindigul District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to release the petitioner's Tipper Lorry bearing Registration No.TN-22-AT-8718 seized on 24.04.2018 by the respondent, to the petitioner.

For Petitioner

: Mr.D.Venkatesh

For Respondent

: Mr.Aayiram K.Selvakumar,
Additional Government Pleader.

ORDER

This Writ Petition has been filed seeking a direction to the respondent to release the petitioner's vehicle (Tipper Lorry) bearing Registration No.TN-22-AT-8718, seized by the respondent on 24.04.2018.

2. According to the petitioner, the vehicle in question has not been used for any illegal transportation. But the respondent has seized the same without assigning any reason.

3. The learned Additional Government Pleader appearing for the respondent submitted that the vehicle in question was involved in illegal transportation of sand and hence it was seized.

4. This Court is not convinced with the statement of the learned Counsel for the petitioner that the vehicle belonging to the petitioner is not involved in any illegal transportation or illegal mining. Having regard to the fact that the loss that may be caused to the petitioner if the vehicle is allowed to be kept idle is irreparable, this Court is inclined to issue the following directions:-

(a) The petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only), in cash before the respondent;

(b) The petitioner is directed to produce all the documents to prove the ownership of the seized vehicle before the respondent;



(c) The petitioner has to file an affidavit of undertaking that he will cause production of the vehicle in question before the competent/concerned respondent (as the case may be) as and when called for and further, he will not alienate the vehicle in question till the appropriate proceedings initiated are completed;

(d) On compliance of the above conditions, the respondent is directed to release the seized vehicle bearing Registration No. TN-22-AT-8718 to the petitioner (if he is in custody and possession), within three days from the date of receipt of a copy of this order;

(e) This order for the release of the vehicle can be pressed into service by the petitioner only if the vehicle is not in the custody of the criminal Court. If the vehicle is in the custody of concerned Criminal Court of appropriate jurisdiction, then, option is given to the petitioner to approach the concerned Judicial Magistrate to get release of the vehicle, by filing necessary application in the manner known to law and in accordance with law; and

(f) it is open to the respondent to initiate appropriate proceedings against the petitioner and others for the alleged violation or irregularity, which prompted the officials to confiscate the vehicle. Depending upon the final order that may be passed by the respondent, the petitioner is also at liberty to seek refund of any excess amount paid pursuant to this order."

5. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-
Vacation Officer

/True Copy/

Sub Assistant Registrar

To
The Sub Collector,
Palani, Dindigul District.

+1CC to Mr.D.Venkatesh Counsel for Petitioner in SR.No.65099,
+1CC to Special Government Pleader in SR.No.65154.

MYR/NS
DS/SV/MMS/SAR-1 :10.05.2018: 2P/4C

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